

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the First  
Amended Accusation Against:**

**Jarl Calmar Nielsen, M.D.**

**Physician's and Surgeon's  
Certificate No. G 62460**

**Respondent**

**Case No. 800-2018-047467**

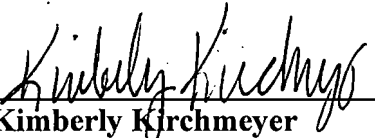
**DECISION**

**The attached Stipulated Surrender of License and Order is hereby  
adopted as the Decision and Order of the Medical Board of California,  
Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on February 19, 2019.**

**IT IS SO ORDERED February 12, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
**Kimberly Kirchmeyer  
Executive Director**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 EMILY L. BRINKMAN  
Deputy Attorney General  
4 State Bar No. 219400  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3374  
6 Facsimile: (415) 703-5843  
E-mail: Emily.Brinkman@doj.ca.gov  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation  
13 Against:

Case No. 800-2018-047467

14 **JARL CALMAR NIELSEN, M.D.**  
15 8175 S. Virginia Street #850  
Reno, NV 89511-8922

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16 **Physician's and Surgeon's Certificate No.**  
17 **G62460**

18 Respondent.

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
23 of California (Board). She brought this action solely in her official capacity and is represented in  
24 this matter by Xavier Becerra, Attorney General of the State of California, by Emily L. Brinkman,  
25 Deputy Attorney General.

26 2. Jarl Calmar Nielsen, M.D. (Respondent) is represented in this proceeding by attorney  
27 Dominique A. Pollara, Pollara Law Group, 3600 American River Drive, Suite 160, Sacramento,  
28 CA 95864.

3. On or about March 14, 1988, the Board issued Physician's and Surgeon's Certificate No. G62460 to Jarl Calmar Nielsen, M.D. (Respondent). The Physician's and Surgeon's Certificate will expire on September 30, 2019, unless renewed. The Certificate is SUSPENDED by virtue of an Order issue by the Board on October 3, 2018 pursuant to Business and Professions Code section 2310(a).

## JURISDICTION

4. Accusation No. 800-2018-047467 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 27, 2018. Respondent timely filed his Notice of Defense contesting the Accusation.

5. First Amended Accusation No. 800-2018-047467 was filed on December 27, 2018 and properly served on Respondent. A copy of the First Amended Accusation No. 800-2018-047467 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the First Amended Accusation No. 800-2018-047467. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

1 **CULPABILITY**

2 9. Respondent understands that the charges and allegations in the First Amended  
3 Accusation No. 800-2018-047467, if proven at a hearing, constitute cause for imposing discipline  
4 upon his Physician's and Surgeon's Certificate.

5 10. For the purpose of resolving the First Amended Accusation without the expense and  
6 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
7 establish a factual basis for the charges in the First Amended Accusation and that those charges  
8 constitute cause for discipline. Respondent hereby gives up his right to contest that cause for  
9 discipline exists based on those charges.

10 11. Respondent understands that by signing this stipulation he enables the Board to issue  
11 an order accepting the surrender of his Physician's and Surgeon's Certificate without further  
12 process.

13 **CONTINGENCY**

14 12. This stipulation shall be subject to approval by the Board. Respondent understands  
15 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
16 with the Board regarding this stipulation and surrender, without notice to or participation by  
17 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he  
18 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board  
19 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
20 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
21 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
22 be disqualified from further action by having considered this matter.

23 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
24 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures  
25 thereto, shall have the same force and effect as the originals.

26 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
27 the Board may, without further notice or formal proceeding, issue and enter the following Order:

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1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

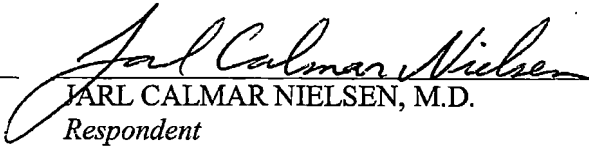
5. Respondent may not petition for reinstatement of a revoked or surrendered license/registration for three (3) years from the effective date of this Decision.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Dominique A. Pollara. I understand the stipulation and the effect it

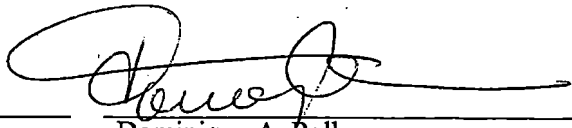
1 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of  
2 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
3 Decision and Order of the Medical Board of California.

4  
5 DATED: 1-19-19

  
JARL CALMAR NIELSEN, M.D.  
Respondent

7 I have read and fully discussed with Respondent Jarl Calmar Nielsen, M.D. the terms and  
8 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
9 approve its form and content.

10  
11 DATED: 1/25/19

  
Dominique A. Pollara  
Attorney for Respondent

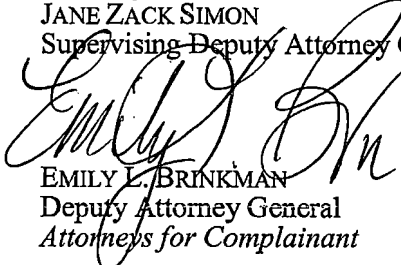
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14 **ENDORSEMENT**

15 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
16 for consideration by the Medical Board of California of the Department of Consumer Affairs.

17 Dated: 1/28/2019

Respectfully submitted,

18 XAVIER BECERRA  
Attorney General of California  
19 JANE ZACK SIMON  
Supervising Deputy Attorney General

20   
21 EMILY L. BRINKMAN  
22 Deputy Attorney General  
23 Attorneys for Complainant

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**Exhibit A**

**First Amended Accusation No. 800-2018-047467**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 EMILY L. BRINKMAN  
Deputy Attorney General  
4 State Bar No. 219400  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3374  
6 Facsimile: (415) 703-5843  
E-mail: Emily.Brinkman@doj.ca.gov  
7 Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO DEC 27 20 18  
BY Jana Pacion ANALYST

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the First Amended Accusation  
Against:

Case No. 800-2018-047467

14 **Jarl Calmar Nielsen, M.D.**  
15 8175 S. Virginia Street #850  
16 Reno, NV 89511-8922

**FIRST AMENDED ACCUSATION**

17 **Physician's and Surgeon's Certificate**  
**No. G62460,**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this First Amended Accusation solely in  
23 her official capacity as the Executive Director of the Medical Board of California, Department of  
24 Consumer Affairs (Board).

25 2. On or about March 14, 1988, the Medical Board issued Physician's and Surgeon's  
26 Certificate Number G62460 to Jarl Calmar Nielsen, M.D. (Respondent). The Physician's and  
27 Surgeon's Certificate will expire on September 30, 2019, unless renewed. The certificate is  
28



1 SUSPENDED by virtue of an Order issued by the Board on October 3, 2018 pursuant to Business  
2 and Professions Code section 2310(a).

3 **JURISDICTION**

4 3. This Accusation is brought before the Board, under the authority of the following  
5 laws. All section references are to the Business and Professions Code unless otherwise indicated.

6 4. Section 2227 of the Code provides that a licensee who is found guilty under the  
7 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
8 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
9 action taken in relation to discipline as the Board deems proper.

10 5. Section 2305 of the Code states:

11 "The revocation, suspension, or other discipline, restriction, or limitation imposed by  
12 another state upon a license or certificate to practice medicine issued by that state, or the  
13 revocation, suspension, or restriction of the authority to practice medicine by any agency of the  
14 federal government, that would have been grounds for discipline in California of a licensee under  
15 this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action  
16 for unprofessional conduct against the licensee in this state."

17 6. Section 141 of the Code states:

18 "(a) For any licensee holding a license issued by a board under the jurisdiction of the  
19 department, a disciplinary action taken by another state, by any agency of the federal government,  
20 or by another country for any act substantially related to the practice regulated by the California  
21 license, may be a ground for disciplinary action by the respective state licensing board. A  
22 certified copy of the record of the disciplinary action taken against the licensee by another state,  
23 an agency of the federal government, or another country shall be conclusive evidence of the  
24 events related therein.

25 "(b) Nothing in this section shall preclude a board from applying a specific statutory  
26 provision in the licensing act administered by that board that provides for discipline based upon a  
27 disciplinary action taken against the licensee by another state, an agency of the federal  
28 government, or another country."

1           7.     Section 2234 states in relevant part:

2           “The board shall take action against any licensee who is charged with unprofessional  
3 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
4 limited to, the following:

5           “ . . . .”

6           “(e) The commission of any act involving dishonesty or corruption which is substantially  
7 related to the qualifications, functions, or duties of a physician and surgeon.

8           “(f) Any action or conduct which would have warranted the denial of a certificate.”

9           “ . . . .”

10          8.     Section 2236 states in relevant part:

11          “(a) The conviction of any offense substantially related to the qualifications, functions, or  
12 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this  
13 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive  
14 evidence only of the fact that the conviction occurred.

15          “ . . . .”

16          “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to  
17 be a conviction within the meaning of this section and Section 2236.1. The record of conviction  
18 shall be conclusive evidence of the fact that the conviction occurred.”

19          9.     Section 802.1 states in relevant part:

20          “(a)(1) A physician and surgeon, osteopathic physician and surgeon, a doctor of podiatric  
21 medicine, and a physician assistant shall report either of the following to the entity that issued his  
22 or her license:

23          “ . . . .”

24          “(B) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no  
25 contest, of any felony or misdemeanor.

26          “(2) The report required by this subdivision shall be made in writing within 30 days of the  
27 date of the bringing of the indictment or information or of the conviction.

28

1       “(b) Failure to make a report required by this section shall be a public offense punishable by  
2 a fine not to exceed five thousand dollars (\$5,000).”

3                               **FIRST CAUSE FOR DISCIPLINE**

4                               **(Discipline, Restriction, or Limitation Imposed by Another Jurisdiction)**

5       10. On August 22, 2018, the Board of Medical Examiners of the State of Nevada (Nevada  
6 Board) issued an Order of Summary Suspension (Order) against Respondent. The Order stated  
7 that on June 1, 2017, Respondent entered into a Professionals Monitoring Program Agreement  
8 with LifePath Recovery LLP for three years. On August 8, 2018, an Investigative Committee of  
9 the Nevada Board determined that “the health, safety, or welfare of the public and any patients  
10 served by Dr. Nielsen is at risk of imminent or continued harm based upon his failure to comply  
11 with the aforementioned Agreement.”

12       11. Respondent’s conduct and the action of the Nevada Board as set forth in paragraph  
13 10, above, and within the actual Nevada Board documents attached as Exhibit A, constitutes  
14 unprofessional conduct within the meaning of section 2305 and conduct subject to disciplinary  
15 action within the meaning of section 141(a).

16                               **SECOND CAUSE FOR DISCIPLINE**

17                               **(Criminal Conviction Substantially Related to the Practice of Medicine)**

18       12. Respondent is subject to disciplinary action under sections 2234 and 2236 in that he  
19 was convicted of driving under the influence. The circumstances are as follows:

20       13. On or about July 10, 2016, at approximately 12:24 a.m., Napa Police Officers were  
21 dispatched to an Arco gas station following the report of a possible intoxicated driver. When an  
22 officer arrived on the scene, he immediately noticed a man standing next to a sports car. The  
23 officer later identified the subject as Respondent. As the officer got out of his vehicle Respondent  
24 began walking away from him. The officer followed Respondent and tried to talk to him but  
25 Respondent continued walking and mumbling inaudibly. The officer noticed Respondent’s  
26 speech extremely slurred and hard to understand. The officer could also smell the light odor of  
27 alcohol coming from Respondent. Respondent continued to walk away from the officer, forcing  
28 the officer to physically restrain Respondent in handcuffs.

14. According to a witness, she observed Respondent parked near the Arco gas station on Jefferson Street and Lincoln Avenue, but Respondent's car was partially blocking one of the southbound lanes on Jefferson Street. The witness saw Respondent in the other southbound lane trying to flag down passing vehicles. Respondent then got back into his car and backed into the Arco parking lot. Respondent then approached the witness asking for directions. She noted that he was falling over, stumbling, and smelled of alcohol.

15. Officers conducted field sobriety testing on Respondent, which he failed. Respondent admitted to drinking vodka in Incline Village, Nevada before driving to Napa. Officers then arrested Respondent for driving under the influence of alcohol. Respondent agreed to submit to a breath alcohol test, resulting in a 0.27% and 0.28% breath alcohol concentration.

16. On or about August 22, 2016, the Napa District Attorney filed criminal charges against Respondent in *People v. Jarl Calmar Neilsen*, Superior Court of the State of California, County of Napa, Case No. CR180763. The complaint charged Respondent with violations of driving under the influence in violation of Vehicle Code sections 23152(a) and 23152(b), along with two special allegations that his blood alcohol concentration was higher than 0.15% and 0.20%.

17. On February 23, 2017, Respondent pled guilty to driving under the influence with a blood alcohol concentration higher than 0.08% and admitted the special allegation that his blood alcohol concentration was higher than 0.20%. The Superior Court placed Respondent on probation for three (3) years, ordered him to serve 15 days in jail, use an ignition interlock device for one (1) year, complete a nine (9) month drunk driver program, not to drink and drive, and to pay various fines and fees.

### THIRD CAUSE FOR DISCIPLINE

**(Failing to Report Misdemeanor Conviction)**

18. Respondent is subject to disciplinary action under section 802.1 in that he failed to report his criminal conviction to the Medical Board within 30 days. The circumstances are as follows:

1 19. Respondent did not report the misdemeanor criminal conviction in *People v. Jarl*  
2 *Calmar Nielsen*, Superior Court of the State of California, County of Napa, Case No. CR180763  
3 to the Medical Board of California within 30 days after the conviction on February 23, 2017.

4 **PRAYER**

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
6 and that following the hearing, the Medical Board of California issue a decision:


7 1. Revoking or suspending Physician's and Surgeon's Certificate Number G62460,  
8 issued to Jarl Calmar Nielsen, M.D.;

9 2. Revoking, suspending or denying approval of Jarl Calmar Nielsen, M.D.'s authority  
10 to supervise physician assistants and advanced practice nurses;

11 3. Ordering Jarl Calmar Nielsen, M.D., if placed on probation, to pay the Board the  
12 costs of probation monitoring; and

13 4. Taking such other and further action as deemed necessary and proper.

14  
15 DATED:  
16 December 27, 2018

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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**EXHIBIT A**

Board of Medical Examiners of the State of Nevada Order of Summary Suspension

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA

\*\*\*\*\*

In the Matter of the Investigation of )

Case No. 18-10213-1

Jarl Calmar NIELSEN, M.D., )

FILED

License No. 6953 )

AUG 22 2018

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: *[Signature]*

ORDER OF SUMMARY SUSPENSION

Prior to the preparation of this Order of Summary Suspension, Nevada State Board of Medical Examiners (Board) staff presented evidence and information to an Investigative Committee (IC) of the Board, composed of Rachakonda Prabhu, M.D., Ms. Sandy Peltyn and Victor Muro, M.D., regarding Jarl Calmar Nielsen, M.D. (Dr. Nielsen). Upon review of the evidence and information presented by Board staff, the IC hereby IMMEDIATELY SUSPENDS Dr. Nielsen's license to practice medicine in the state of Nevada pursuant to Nevada Revised Statute (NRS) 630.326(1), based upon the following preliminary findings:

1. Dr. Nielsen is a physician licensed to practice medicine in the state of Nevada (License No. 6953) and lists his specialty with the Board as Ophthalmology.

2. On June 1, 2017, Dr. Nielsen entered into and executed a Professionals Monitoring Program Agreement (Agreement) with LifePath Recovery LLC, Murray Brooks LADC for a three-year program with an expiration date of June 1, 2020.

3. On August 8, 2018, this IC has reasonably determined that the health, safety, or welfare of the public and any patient served by Dr. Nielsen is at risk of imminent or continued harm based upon his failure to comply with the aforementioned Agreement.

//

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OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners  
9600 Gateway Drive  
Reno, Nevada 89521  
(775) 688-2559

Accordingly, pursuant to NRS 630.326(1):

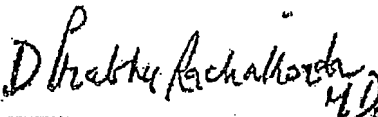
IT IS HEREBY ORDERED that the license to practice medicine in the state of Nevada of Dr. Nielsen M.D. (License No. 6953) is HEREBY SUSPENDED until further order of the Investigative Committee or the Board; and,

IT IS FURTHER ORDERED that pursuant to NRS 630.326(2), a hearing on this matter is set for the 19<sup>th</sup> of October 2018, 2:00 p.m., at the Board's office located at 9600 Gateway Drive, Reno, NV, 89521 to determine whether this suspension may continue, unless the parties mutually agree in writing to a different date and/or time.;

DATED this 22nd day of August, 2018.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:




Rachakonda Prabhu, M.D.  
Chairman, Investigative Committee  
Nevada State Board of Medical Examiners

STATE OF NEVADA  
BOARD OF MEDICAL EXAMINERS

I certify, as Official Custodian of the records, that this document is a true and correct copy of the original on file in this office.

Signed:

  
Executive Director

Date:

9/10/18